

APPEAL NO. 020454
FILED APRIL 3, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 5, 2002. The hearing officer resolved the disputed issues by determining that the appellant's (claimant) compensable injury sustained on _____, does not extend to and include an injury of a disc protrusion at C5-6. The claimant appealed on sufficiency grounds. The respondent (carrier) responded, urging affirmance.

DECISION

We affirm.

The hearing officer did not err in determining that the claimant's compensable injury on _____, did not include an injury of a disc protrusion at C5-6. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Conflicting evidence was presented on the issue of extent of injury. The claimant testified that she injured her neck while turning her head to watch for traffic while operating a forklift. She also testified that during the course of her employment she had been involved in multiple collisions while operating the forklift. The carrier accepted a sprain/strain injury from the _____, incident but contested that the injury extended to a bulging/herniated disc at C5-6. The carrier submitted a doctor's medical opinion that the claimant's current neck condition was not caused by her work activities. The carrier also presented evidence of a 1994 MRI, which showed the same disc protrusion as the MRI performed after the claimant's compensable injury. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and he was acting within his role as fact finder in determining that the claimant did not meet her burden of proof. The hearing officer's decision is supported by sufficient evidence and it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Terri Kay Oliver
Appeals Judge